

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ACE INVESTORS, LLC,

Plaintiff,

- against -

MARGERLY RUBIN et al.,

Defendants.

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VICTOR MARRERO, United States District Judge.

13 Civ. 1373 (VM)

ORDER

By letter dated August 6, 2013 (Dkt. No. 72), Margery Rubin, individually and as Trustee of the Rubin Family Irrevocable Stock Trust, the Rubin Family Irrevocable Marital Trust, and the Rubin Family Irrevocable Realty Trust (collectively, "Defendants") requested a pre-motion conference seeking to vacate the Court's April 23, 2013 Order and Judgment ("Judgment"), alleging that the Judgment was procured by means of fraud by plaintiff ACE Investors LLC ("ACE"). ACE responded by letter dated August 8, 2013 (Dkt. No. 74) and Defendants replied by letter dated August 9, 2013 (Dkt. No. 75). The Court denied Defendants' request, finding that it would better serve judicial economy to wait for the resolution of the appeal of the Judgment currently pending before the United States Court of Appeals for the Second Circuit. Nevertheless, on August 17, 2013, Defendants filed a motion to vacate the Judgment

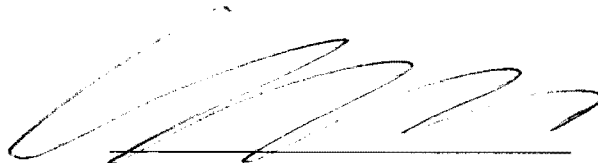
pursuant to Federal Rule of Civil Procedure 60(b)(3) (the "Motion") alleging that the Judgment was procured by means of fraud by ACE. (Dkt. No. 89.)

Having considered all of the parties' submissions, the Court denies the Motion. The Court finds that the filing of Defendants' Motion represents merely one more example of the pattern of bad-faith dilatory practices that Defendants' have employed for several years in an attempt to put off the final judgment day in these proceedings. The Defendants have cited no compelling evidence that would support vacating the Judgment. On the record before it, the Court is not persuaded that altering its prior ruling is warranted.

Accordingly, the Defendants' Motion (Dkt. No. 89) is **DENIED.**

SO ORDERED.

Dated: New York, New York
20 August 2013

A handwritten signature in black ink, appearing to read 'Victor Marrero', written over a horizontal line.

Victor Marrero
U.S.D.J.